

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT CHARNEY, DIVA COODFRIEND-KOVEN, ROBERT REACH, TONI ALLEN, SCOTT EDVABSKY, ANTHONY AND BARBARA COSARO, GARY ZACCARO, BRUCE LICHTENSTEIN, ROBERT ANARUMO, KAREN FUSCO, BONNIE AND WAYNE VARTABEDIAN, GEORGE YU, CONNIE SIMONS, LAURA FLAX, JAY COON, NEIL BLITZ, MARNI BLITZ, JOSEPH LEVINE, NINA CHAIFETZ, ED HARAN, ANNE HARAN, KATHY PASHUCK, BRUCE FULLER, TRACEY PECK, JEFF PECK, ELIZABETH TYMCZYSZYN, and GATA REALTY, LLC

Plaintiff,

- against -

CARLA ZIMBALIST, PAM CHANLA, JENNIFER S. WILKOV, EVOLUTIONARY STRATEGIC PLANNING, INC., and AMERIPRISE FINANCIAL, INC.,

Defendants.

07 Civ. 6272 (AKH)

**DECLARATION OF ALISON B. COHEN IN
SUPPORT OF MOTION TO DISMISS**

I, ALISON B. COHEN, declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice in the state of New York and before the United States District Court for the Southern District of New York. I am associated with Nixon Peabody LLP, counsel to Ameriprise Financial, Inc. ("Ameriprise").
2. I submit this Declaration in support of Ameriprise's Motion to Dismiss the Complaint of Plaintiffs in the above-captioned action.

3. A true copy of a Financial Advisory Service Agreement between American Express Financial Services (“AEFS”) and Joseph Levine and Nina Chaifetz that contains an arbitration clause and is signed by Joseph Levine and Nina Chaifetz is annexed hereto as Exhibit A.
4. A true copy of a Financial Advisory Service Agreement between AEFS and George Yu that contains an arbitration clause and is signed by George Yu is annexed hereto as Exhibit B.
5. A true copy of a Financial Advisory Service Agreement between AEFS and Jeffrey and Tracey Peck that contains an arbitration clause and is signed by Jeffrey and Tracey Peck is annexed hereto as Exhibit C.
6. A true copy of a Financial Advisory Service Agreement between AEFS and Kathryn Pashuck that contains an arbitration clause and is signed by Kathryn Pashuck is annexed hereto as Exhibit D.
7. True copies of two Financial Advisory Service Agreements and one Strategic Portfolio Service Advantage Client Service Agreement between AEFS and Neil and Marni Blitz that contain arbitration clauses and are signed by Neil and Marni Blitz are annexed hereto as Exhibit E.
8. True copies of a Financial Advisory Service Agreement and a Strategic Portfolio Service Advantage Client Service Agreement between AEFS and Scott Charney that contain arbitration clauses and are signed by Scott Charney are annexed hereto as Exhibit F.
9. True copies of two Strategic Portfolio Service Advantage Client Service Agreements between AEFS and Diva Goodfriend-Koven that contain arbitration clauses and are signed by Diva Goodfriend-Koven are annexed hereto as Exhibit G.

10. True copies of two Financial Advisory Service Agreements between AEFS and Bruce Fuller that contain arbitration clauses and are signed by Bruce Fuller are annexed hereto as Exhibit H.

11. True copies of a Financial Advisory Service Agreement and a Strategic Portfolio Service Advantage Client Service Agreement between AEFS and Elizabeth Tymczyszyn that contain arbitration clauses and are signed by Elizabeth Tymczyszyn are annexed hereto as Exhibit I.

12. True copies of a Financial Advisory Service Agreement and a Strategic Portfolio Service Advantage Client Service Agreement between AEFS and Gary Zaccaro that contain arbitration clauses and are signed by Gary Zaccaro are annexed hereto as Exhibit J.

13. True copies of a Financial Advisory Service Agreement between AEFS and Wayne and Bonnie Vartabedian and a Strategic Portfolio Service Advantage Client Service Agreement between AEFS and Wayne Vartabedian that contain arbitration clauses and are signed by the Vartabedians are annexed hereto as Exhibit K.

14. True copies of two Financial Advisory Service Agreements and one Strategic Portfolio Service Advantage Client Service Agreement between AEFS and Edward and Anne Haran that contain arbitration clauses and are signed by Edward and Anne Haran are annexed hereto as Exhibit L.

15. A true copy of a Financial Advisory Service Account Setup Form for Non-Senior or Advanced Financial Advisors between AEFS and Constance Simons that contains an arbitration clause is annexed hereto as Exhibit M.

16. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the forgoing is true and correct.

Executed on this 19th day of December, 2007


ALISON B. COHEN